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ican citizen as such (pp. 62-155.) The nature of citizenship, its essentially national character, its acquisition by birth, naturalization, marriage and special statute are well brought out. The rights that a citizen acquires in a State of the Union by means of residence therein are carefully considered, as are also the means whereby citizenship is lost, renounced, or specifically repudiated. In the matter of citizenship by birth, undue stress seems to be laid upon the domicile of the parents (pp. 13-14). If they reside within the United States and are subject to its jurisdiction, their offspring are citizens *jure soli*. The mere residence of the parents, however, would seem of small moment because it is not their residence but the birth of the child on American soil that confers the right.

The second part is a concise treatise or rather outline of the constitutional rights and privileges of the citizen with a consideration of the safeguards devised for his protection and their full enjoyment. Due weight is given to Cooley's Constitutional Limitations. The text frequently mentions him and the footnotes fairly bristle with his name and references to his work. This shows good judgment at least, but Dr. Howard's text evidences both care and thought and his footnotes display great industry in the collection and citation of cases and authorities. His work is that of a scholar and investigator, and the fundamental conceptions are those of the lawyer rather than of the historian or political theorist. Translated or worked over in English and enlarged, this little book would deserve well of the American public.

THE MIRROR OF JUSTICES. By Andrew Horn, translated into English by W. H. [William Hughes], with an introduction by William C. Robinson, LL. D. Washington: John Byrne & Co. 1903. pp. xix, 337.

The Mirror of Justices is a puzzle to the student. The present edition is a puzzle to the reviewers. The Mirror is so discredited that although it might be reprinted in a collection of legal curiosities, it is clearly out of place in a legal classic series, for it is a sheer misuse of words to term that a law book which does not reflect or "mirror" the law of any one time or place. Its study gives no insight into the origin of English law, nor does it expose or expound the system of English law before or after the Conquest, or in force during the reign of Edward the First, the period of its composition. It did not predict or outline the course of legal development in any way and it has had little or no effect upon bench, bar or legal writers. Mr. Byrne was ill-advised—if advised at all—to publish it, and Professor Robinson has not rehabilitated the work in his introduction nor can he be said seriously to have essayed to justify the ways of publishers to man. "Into this controversy," Professor Robinson says, "it is not the purpose of the present editor to enter"; but in view of all the circumstances of the case, it is not too much to ask an editor to take himself and his text seriously and to show cause why the Mirror should again appear in print.

First as to the author of the work. Professor Robinson is probably right in not going deeply into the question of authorship; for it is impossible wholly to convict or acquit Horn of its production. If the

handwriting on the manuscript is indeed the writing of Horn—*Horn michi cognomen Andreas est michi nomen*—the authorship is not thereby proved; and the fact that Horn left this with other writings to Guildhall does not establish this any more than does the bequest of a copy of the "Junius Letters" convict Francis of their authorship. In both cases: *Stat nominis umbra*.

In the next place Professor Robinson discusses the character of the book (pp. xiii-xvi). The view that the substance of the Mirror is older than the Conquest is discarded; likewise that it is "a literary imposture whose author mingled with his statements of the current laws of the reigns of Edward I and Edward II a multitude of groundless fabrications concerning ancient Norman and Saxon Laws." A third view accepted by the editor, considers "the entire work as an original composition of the reputed author, compiled from documents and traditions then accessible though not now extant, and bearing substantially the same relation to the laws of the whole kingdom that the *Liber Horn* does to the customs and ordinances of London" (p. xiii). That is to say the work dates from the reign of Edward I and is presumably an original work of one Horn.

Professor Robinson then approaches the question "whether it possesses any authority either as an exposition or a history of the law" (pp. xvi-xix). And it is in the consideration of this query that the editor falls short. It is indeed true that in *Fogasse's Case* (1550), 1 Plowden 8, Bradshawe, Attorney-General, cites the work as an authority; but Attorneys General are sometimes short of authority and press questionable precedents and authorities into their service. Sir Edward Coke speaks of it, in the prefaces to the ninth and tenth volumes of his Reports, in glowing terms as "the whole frame of the ancient Common Laws of this realm." It is to him their "mirror" and "most of it was written long before the Conquest." It is also cited by the later and worthy Chief Justice Tindal, as "a book of great authority and of the earliest, though uncertain, date." (In *Re-Sergeants at Law*, [1840] 6 Bingham, N. C. 187.) And the learned Serjeant Pulling refers to it in his masterly "Order of the Coif" as the "oldest English lawbook" (pp. 7-8), but limits his text by a reference in a foot-note to 2 Reeves' *History of English Law*, 358.

These are certainly flattering testimonials, but they are unfortunately questioned and discredited. To pass over earlier criticism, Professor Robinson does not rehabilitate the Mirror by calling upon Reeves (misprinted as Reeve). That learned author does indeed characterize the Mirror as "a curious, interesting, and, in some degree, an authoritative tract upon our old law." Had the editor finished the sentence the Mirror would have fared badly: "it is to be wondered at that some great writers [Lord Coke and Nathaniel Bacon] have relied so much upon this authority, as to pronounce on the antiquity of many articles of our law merely on his authority." The initial sentence of the paragraph is a danger sign: "This book should be read with great caution, and some previous knowledge of the law as it stood about the same period, for the author certainly writes with very little precision." Fairness required the quotation of the entire paragraph (vol. ii, p. 359.) Instead of doing this, "Where the lion's skin falls short, he ekes it out with the fox's." Finlason's note to his

edition of Reeves is quoted, but Finlason's edition is universally condemned and does not possess a tithe of authority.

Leaving out Palgrave's denunciation, Messrs. Pollock and Maitland speak with well-nigh final authority. "As for the deliberate fables of later apocryphal authorities, the 'Mirror of Justices' being the chief and flagrant example, they belong not to the Anglo-Saxon but to a much later period of English law. For the more part they are not even false history; they are speculation or satire" (vol. i, p. 28.) In another passage, the author is spoken of as "a romancer," (vol. ii, p. 177), and at a later place, the following occurs: "Once for all we may say that of the Mirror of Justices we shall take no notice. Its account of criminal law is so full of fables and falsehoods that as an authority it is worthless" (vol. ii, p. 478, note 1.)

But these denunciations are as praise compared with the treatment to which the Mirror is subjected in Professor Maitland's masterly introduction to Mr. Whittaker's translation in the Selden Society for 1893 (vol. 7, pp. ix-lv.) Horn, if he be the author, "deliberately stated as law what he knew was not law"; "a quantitative analysis of his work which would accurately distinguish all that is true from all that is false we can hardly make." (p. xxxvii.) "But there we do not know that our author is serious. Is it not all a dream?" (p. xxxix.) "His book is an impersonal book, not because it is scientific, * * * but because he is fantastic and irresponsible." (xlv.) "All is wrong; yes, all. What then shall we say of this book? And what shall we call its author? Is he lawyer, antiquary, preacher, agitator, pedant, faddist, lunatic, romancer, liar? A little of all, perhaps, but the romancer seems to predominate." (p. xlviii.) And finally Professor Maitland says: "The statements of law, that are in it he [the historian] will often construe by 'the rule of contrary,' and he will insert a 'not' whenever the author is more than usually positive. If we are tempted to accept any statement made in the Mirror and not elsewhere warranted, we shall do well to ask ourselves whether we believe that an Englishman called Nolling was indicted for a sacrifice to Mahomet, and to speculate as to what may happen if six centuries hence *The Comic Blackstone* is mistaken for the work of the great commentator." (p. lii.)

To this arraignment Professor Robinson replies, and his reply is the only serious contribution to the question, that the hostile critics are "rather historians and antiquarians than lawyers." (p. xviii.) Of a truth it is indeed "better to err with Pope, than shine with Pye."

In a word the Mirror is of little or no value to lawyer or student and the editor advances no sufficient reason for introducing it to the American Public.

THE LIEN LAW OF THE STATE OF NEW YORK. By William L. Snyder of the New York Bar. 4th edition. New York: Baker, Voorhis & Co. 1903. pp. xxxi, 402.

The fourth edition of a book means popular favor. In this individual case the popular favor is based upon merit, for the book deserves well of the professional public.